

REMARKS

Claims 1-13, including independent claims 1, 12 and 13, stand rejected under 35 USC §102(b) as being anticipated by Pike (GB 2306855). The Applicants respectfully disagree with the Examiner's rejections and request reconsideration.

Independent claims 1, 12 and 13 recite **intermittently performing an intracell handover of a first mobile station to the common simulcast broadcast carrier and performing measurements of the radio environment when the mobile station is using the common simulcast carrier**. Claim 2 adds that this handover is from a traffic carrier to the common simulcast broadcast carrier. *3 1-1/2*

Pike describes cells (2,3), each with 'cell-wide coverage', within which are individual BTSs (9,10,11) each with 'area coverage', i.e., cells containing microcells. The purpose of Pike's invention is to decide whether to switch the mobile station (MS) from one microcell channel to another or, if present, to an overarching main cell channel. This is described on page 2, lines 14-19, where Pike talks of determining whether a mobile unit communicating on a cell wide communication channel **should continue its communication** on the cell wide channel or move to a area wide (microcell) channel. The applicants submit that the cell-wide channel is a traffic channel (**not a common simulcast broadcast carrier** that carries identification and signaling information common for the group of cells on a broadcast carrier frequency common for the group of cells) and is moved from/to **after** a signal-strength decision is made but **not** to facilitate one as the present application teaches. Thus, the applicants submit that Pike does not teach intermittently performing a handover from a traffic channel (TCH) to a common simulcast broadcast carrier, such as a broadcast control channel (BCCH). A BCCH channel, as is well known, is **not** a communication channel for the MS in the normal sense (i.e., a traffic channel) and therefore it would not make any sense to be 'continuing its communication' (as in Pike) on a BCCH channel.

It is clear that Pike does not envisage an intermittent handover in the fashion disclosed by the present claims, and this is borne out in the detailed description:

'A call is initiated using a channel on the overlay carrier [i.e. BCCH]. When a mobile station transmits on an overlay channel, the signal will be received by all neighbouring microcell base stations. The received signal and a report of the signal strength and/or quality is sent from these microcell base stations to the overlay cell controller. The overlay cell controller selects which microcell base station should handle the call.'

Pike does **not**, however, then subsequently teach that the mobile station should intentionally be moved periodically back to the BCCH channel in order to assess the relative signal strengths of the microcells:

'Once a call has been initiated, the overlay cell controller may perform an intra-cell handover, to move the call to a channel on one of the carriers other than the overlay carrier, for which communication will be between the mobile station and a single micro cell base station.'

Reading from page 6, line 29 to page 7, line 19, it is clear that Pike only teaches the use of the overlay channel during call setup, and teaches microcell interference measurement for the rest of the call.

Claim 3 recites a clock means arranged to generate a signal instructing said intracell handover. Claim 4 adds that the clock means is located in the fixed part of the network and is arranged to transmit said signal to one or more mobile stations. First, the examiner cites page 2, lines 14-19, which does not actually mention a clock. The "clock" is only disclosed as a timing reference, on page 5, lines 34 to page 6, line 7. Similarly, Pike does not teach that the clock is used to control an MS handover signal; a control signal is **only** sent to the mobile station **after** a comparative measurement of signal strengths has been made, as can be seen on page 3, lines 30 to page 4, line 8. As noted above this teaches directly against the present application, where MSs are instructed to move to the BCCH channel to facilitate a signal strength measurement.

Since Pike does not teach all of the limitations of any of the present claims, the applicant asserts that the Examiner has not shown anticipation nor made a prima facie case for obviousness. No remaining grounds for rejection or objection being given, the

applicant now respectfully submits that the claims in their present form are patentable over the prior art of record, and are in condition for allowance. As a result, allowance and issuance of this case is earnestly solicited.

The Examiner is invited to contact the undersigned, if such communication would advance the prosecution of the present application. Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. 502117 -- Motorola, Inc.

Respectfully submitted,
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